

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**CSX TRANSPORTATION, INC.,
individually and on behalf of
NORFOLK & PORTSMOUTH BELT LINE
RAILROAD COMPANY,**

Plaintiff,

v.

Civil Action No. 2:18-cv-530

**NORFOLK SOUTHERN RAILWAY COMPANY,
NORFOLK & PORTSMOUTH BELT LINE
RAILROAD COMPANY, JERRY HALL,
THOMAS HURLBUT, PHILIP MERILLI,
and CANNON MOSS,**

Defendants.

MOTION TO DISMISS

Defendant Cannon Moss (“Moss”), by counsel, moves to dismiss all claims asserted against him in the Complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, for all of the reasons set forth in the accompanying memorandum.

WHEREFORE, Cannon Moss respectfully requests the Court grant his Motion to Dismiss, dismiss all claim against him with prejudice, award him his costs, and grant such further relief as the Court deems appropriate.

CANNON MOSS

By /s/ Clark J. Belote
Counsel

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CERTIFICATE OF SERVICE

I certify that on this 27th day of November, 2018, a true and correct copy of the foregoing was served via Notice of Electronic Filing by filing with the Court's CM/ECF System on all counsel of record.

/s/ Clark J. Belote